

February 23, 2000

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: Department of Development and Environmental Services File No. **L98P0048**

ENCHANTED MEADOWS
Preliminary Plat Application

Location: 37914 Enchanted Parkway Southeast, east of Enchanted Parkway
and west of Military Road South

Applicant: Barghausen Consulting Engineers, Inc.
Represented by **Eric LaBrie**
18215 – 72nd Avenue South
Kent, WA 98032
Telephone: (425) 251-6222

King County: Department of Development and Environmental Services
Land Use Services Division
Represented by **Lance Moreno**
900 Oakesdale Avenue Southwest
Renton, WA 98055
Telephone: (206) 296-7182 Facsimile: (206) 296-7051

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted:	November 23, 1998
Complete application:	November 24, 1998

EXAMINER PROCEEDINGS:

Hearing Opened: February 8, 2000
Hearing Closed: February 8, 2000

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Drainage
- Boundary fencing

SUMMARY:

The preliminary plat application is approved, subject to conditions

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information:**

Owner/Developer:	Raymond & Iris Mohr c/o Northwest Sunrise Development 2708 Southwest 305 th Street Federal Way, WA 98032 (425) 838-2500
Engineer:	Barghausen Consulting Engineers 18215 – 72 nd Avenue South Kent, WA 98032 (425) 251-6222
Location:	37914 Enchanted Parkway Southeast, east of Enchanted Parkway and west of Military Road South. King County Parcel No. 332104 – 9019.
STR:	SE 33-21-4
Zoning:	R-6 (6 dwelling units per acre)
Acreage:	16.47 acres

Number of Lots:

60

Density:	4 dwelling units per acre
Typical Lot Size:	Ranging from 5,600 to 9000
Proposed Use:	Single family residential
Sewage Disposal:	Lakehaven Utility District
Water Supply:	Lakehaven Utility District
Fire District:	King County Fire District No. 39
School District:	Fife School District
Complete Application Date:	November 24, 1998

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the February 8, 2000 public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Barghausen Consulting Engineers represents this preliminary plat application to subdivide 16.47 acres into 60 lots for single-family residential development. The property lies about 1,000 feet north of the intersection of Military Road South and Enchanted Parkway (SR 161). The site currently is mostly in pasture that slopes south towards a large wetland area.
4. Because of an underlying till layer, ground and surface water management issues have dominated review of the site. Due to arterial development along both sides of the property, the old Interurban right-of-way immediately to its south and a golf course and driving range on the north, area drainage patterns have been considerably altered over the years, resulting in increased flows onto the Applicant's property. The Applicant has attempted to manage these drainage problems primarily by means of a trench excavated along the property's northern boundary, which outlets to a 15-inch pipe running southwest to the ditch system along Enchanted Parkway. This strategy has proved to be inadequate and will be replaced by an enclosed pipe system with larger conveyance capacities. A few years back, failure of this conveyance system led to the appearance of emergent wetland areas, but such areas have been eliminated.
5. The owner of the golf course to the north, George Christy, testified to the existence of a well-defined stream channel near the northwest corner of the plat. This feature will need to be investigated, and if it or its buffer encroaches upon the plat property, the lot design in the northwest corner may need to be altered. Mr. Christy also expressed a desire that the Applicant construct a fence along the northern boundary to separate the plat from the golf course, but County regulations provide no substantive authority to impose such a condition.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements which promote legitimate public purposes, are necessary to serve the subdivision

and are proportional to its impacts; are required to make the proposed plat reasonably compatible

with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat of Enchanted Meadows, as revised and received on November 24, 1999 is approved, subject to the following conditions of final approval:

1. Compliance with all platting provisions of title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication, which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density (and minimum density) requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The Applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The Applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or moving the location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #____on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file.”

d. Flow Control and Water Quality.

Storm water runoff control shall be provided using the Level Two Flow Control detention and Basic Water Quality design criteria outlined in the 1998 King County Surface Water Design Manual.

The size of the proposed drainage tracts may have to increase to accommodate the required detention and water quality storage volumes. The runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.

Because of concern for the viability of Lot Nos. 42 and 43, a majority of a wet season's monthly monitoring of the groundwater level shall be performed, as approved by DDES, and provided as an addendum geotechnical report at engineering review. The report shall be provided to evaluate soil conditions, seasonal depth to groundwater, fill as mitigation and other design requirements to support the viability of Lot Nos. 42 and 43 and the permanent de-watering facilities needed for the rest of the site.

e. Conveyance Systems

By pass flows that originate along the northern property line and in the northeast corner of the site shall be contained in an enclosed pipe across the development and be sized to convey the 100-year, developed storm event. At a minimum, catch basins shall be placed where PVC stubs from the golf course exist. A french type drain could be considered if determined appropriate. The pipe shall be located within a 15-foot private drainage easement.

f. Floodplain/Floodway Delineation

A large wetland is located on the property; therefore, a floodplain analysis shall be performed. The 100-year floodplain boundaries shall be shown on the final engineering plans and recorded plat.

g. Access to the proposed R/D facility in Tract No. 1 from Enchanted Parkway South will require a special use permit from the Washington State Department of Transportation. The permit shall be submitted to King County prior to final engineering approval.

8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS), including the following requirements:
 - a. During preliminary review, the Applicant submitted a road variance application (File No. L99V0307), regarding intersection spacing for the plat entrance along Military Road and cul-de-sac length for the internal access street. The variance received approval on July 2, 1999.
 - b. The main road to the site (Road 'A'), up to the point of the first unmarked cul-de-sac (to the right), shall be improved as an urban subcollector. The remainder of Road 'A' shall be developed as an urban subaccess street. Road 'B' and the unmarked cul-de-sac can be developed as urban minor access streets.
 - c. Off-site road improvements on Enchanted Parkway South shall not be required due to a pending Capital Improvement Project. Sidewalk, curb and appropriate curb returns shall constitute the frontage requirements on Military Road. Curb location on Military Road shall be in accordance with principal arterial standards and planned Capital Improvement Projects.
 - d. Tracts A, C, D and E shall be improved as private joint use driveways that each serve a maximum of two lots. For each driveway, the serving lots shall have undivided ownership of the tract and shall be responsible for its maintenance. As specified in KCRS 3.01C, improvements shall include an 18-foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
 - e. Tract B shall be designed as a private access tract serving proposed Lot Nos. 32-34. These lots shall have undivided ownership of the tract and be responsible for its maintenance. Improvements shall conform to KCRS 2.03 for urban minor access roads and include 22 feet of paving. The minimum tract width shall be 26 feet with a maximum length of 150 feet.
 - f. The plat's entrance on Military Road looking south requires that existing vegetation in the public right-of-way be thinned and removed in order to obtain adequate sight distance in that direction. That vegetation shall be thinned/removed prior to final acceptance of the plat entrance.
 - g. As required by KCRS 5.03, street trees shall be included in the design of all road improvements.
 - h. Street illumination shall be provided at intersections with arterials in accordance with KCRS 5.03.
 - i. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.

9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee as determined by the applicable fee ordinance. The Applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
11. There shall be no direct vehicular access to or from Enchanted Parkway (a.k.a. State Route 161 and Kit Corner Road South) from those lots that abut it. A note to this effect shall appear on the engineering plans and final plat.
12. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE

AREAS AND BUFFERS

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer impose upon all present and future owners and occupiers of the land the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise proved by law.

13.
 - a. The Class 2 wetland shall have a 50-foot buffer of undisturbed vegetation as measured from the wetland edge.
 - b. Prior to engineering approval, the location and classification of the stream near the northwest corner of Lot No. 34 shall be identified. Lot No. 34 may need to be reconfigured so that the stream and/or its buffer lie outside the lot boundaries.

14. A 15-foot BSBL shall be established from the edge of buffer.
15. Sensitive area tracts shall be used to delineate and protect sensitive areas and buffers in development proposals for subdivisions and shall be recorded on all documents of title of record for all affected lots.
16. Prior to commencing construction activities on the site, the Applicant shall mark sensitive area tracts in a highly visible manner, and these areas must remain so marked until all development proposal activities in the vicinity of the sensitive areas are completed.
17. Prior to final approval of construction activities on the site, the boundary between the sensitive area tracts and adjacent land shall be identified using permanent signs. Sign specifications shall be shown on approved plans.
18. Buffer averaging has been approved in conceptual design. A final mitigation/enhancement plan shall be prepared in accordance to King County's "Sensitive Areas Mitigation Handbook". The plan shall be submitted for review during the final engineering of final recording plat review. As agreed to by staff and the developer, the enhancement plan shall include the planting of both the wetland and the wetland buffer.
19. Prior to final recording and/or final engineering review, the plan set shall be routed to the sensitive areas group for approval.
20. As agreed to by the Applicant, the on-site recreation area shall supply additional amenities, including a sport court, picnic benches, an upgraded play structure, lighting and Type 3 landscaping (KCC 21.16.040.C), in order to mitigate for the lack of required recreation area square footage.
 - a. A conceptual recreation space plan, consistent with the requirements mentioned above, is to be submitted to and approved by King County DDES prior to engineering approval. This plan shall include location, area calculations and dimensions. The approved engineering plans shall be consistent with the overall conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in Item a, shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
 - d. A homeowner's association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space area(s).

21. Street trees shall be provided as follows:
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along Road A. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowner's association or other workable organization, unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES, if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The Applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The street trees must be installed and inspected, or a performance bond posted, prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - h. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
22. The following have been established under SEPA authority as requirements necessary to mitigate the adverse environmental impacts of this development. The Applicants shall demonstrate compliance with these items prior to final approval.
- 1. Enter into a Developer Agreement with WSDOT to construct a signal at the intersection of Military Road/SR 161. The signal plans must be reviewed and approved by WSDOT prior to engineering plan approval. The improvement shall be bonded with WSDOT prior to final plat recording.

-OR-

2. Reduce the size of the plat such that less than 30 peak hour trips generated by Enchanted Meadows will travel through the intersection of Military Road/SR 161. This would result in a maximum of 31 lots recorded.

ORDERED this 23rd day of February, 2000.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 23rd day of February, 2000, to the following parties and interested persons:

George Christy
Charles Diesing
Roger Dorstad
Dryco Surveying & Mapping
Mark Funk
Hal Grubb
Eric LaBrie
Lynne & Rory Luce
Kristen Langley
Aileen McManus
Lance Moreno

Linda Matlock
Raymond W. Mohr
Eleanor Moon
Seattle-KC Health Dept.
Mark Bergam
Greg Borba
Kim Claussen
Nick Gillen
Carol Rogers
Steven C. Townsend
Larry West

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before March 8, 2000***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before March 15, 2000***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE FEBRUARY 8, 2000, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L98P0048 – ENCHANTED MEADOWS:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Lance Moreno and Mark Bergam. Participating in the hearing and representing the Applicant were Eric LaBrie and Hal Grubb. Other participants in this hearing were George Christy and Mark Funk.

The following exhibits were offered and entered into the record:

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|----------------|--|
| Exhibit No. 1 | Department of Development and Environmental Services File No. L98P0048 |
| Exhibit No. 2 | Department of Development and Environmental Services preliminary report dated February 8, 2000 |
| Exhibit No. 3 | Application dated November 24, 1998 |
| Exhibit No. 4 | Environmental Checklist dated November 24, 1998 |
| Exhibit No. 5 | Mitigated Declaration of Nonsignificance dated December 10, 1999 |
| Exhibit No. 6 | Plat map dated November 24, 1999 |
| Exhibit No. 7 | Land use map 752E |
| Exhibit No. 8 | Assessors maps SE 33-21-4 |
| Exhibit No. 9 | Level One Drainage Analysis dated October 30, 1998 |
| Exhibit No. 10 | Wetland Report and Conceptual Mitigation Plan dated August 14, 1998 |
| Exhibit No. 11 | Addendum to Wetland Report and Conceptual Mitigation Plan dated November 18, 1998 |
| Exhibit No. 12 | King County Road Standards variance dated May 27, 1999 |
| Exhibit No. 13 | Traffic Impact Analysis received July 13, 1999 |
| Exhibit No. 14 | Geotechnical Engineering Study and Groundwater Evaluation received July 13, 1999 |
| Exhibit No. 15 | Preliminary Recreation Park Plan dated February 8, 2000 |
| Exhibit No. 16 | Photographs (A-D) submitted by Mr. Christy showing drainage pipe, swale, and flooding. |